

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

53RD STREET, LLC,

-X

Docket No.:
1:18-cv-04203-JBW-VMS

Plaintiff,

-against-

U.S. BANK NATIONAL ASSOCIATION,

Defendant.

-X

AFFIDAVIT OF YONEL DEVICO

State of Florida)
) ss:
County of Dade)

YONEL DEVICO being duly sworn deposes and says:

1. I am the sole member of 53rd Street, LLC ("Plaintiff"), the owner of 2052 E. 53rd Place, Brooklyn, New York 11234 (the "Subject Premises").
2. In the regular performance of my job functions, I am familiar with business records maintained by Plaintiff. These records (which include but are not limited to, data compilations, electronically imaged documents, and others) are made at or near the time of events or activities reflected in such records by, or from information provided by, persons with knowledge of the activities and the transactions reflected in such records, and are kept in the course of business activity conducted regularly by Plaintiff (the "Business Records"). I am also familiar with Plaintiff's office practices and procedures. It is the regular practice of Plaintiff's business to create and maintain these records.
3. In connection with making this Affidavit, I have personally examined Plaintiff's Business Records associated with the Subject Property. As a result of this review, I know the facts

set forth in this Affidavit based on my own personal knowledge and if called and sworn as a witness could competently testify thereto.

4. Plaintiff was the successful bidder at a foreclosure auction held on January 12, 2018 related to the foreclosure action commenced in the Eastern District of New York entitled *Courchevel 1850, LLC v. Maria Pinto-Bedoya, et al.*, bearing Docket No.: 16-cv-06716. *See* Light Decl., **Exhibit M**. On July 19, 2018, Plaintiff consummated the purchase of the Subject Premises and received the Referee's Deed in Foreclosure. *See* Light Decl., **Exhibit M**.

5. On July 24, 2018, Plaintiff commenced the instant action to cancel and discharge the Disputed Mortgage based on the premise that the statute of limitations to foreclose the Disputed Mortgage expired in June 30, 2014 (the "Complaint"). *See* Light Decl., **Exhibit J** which is a true and correct copy of the Complaint.

6. On August 22, 2018, Defendant filed its answer (the "Answer"). *See* Light Decl., **Exhibit K** which is a true and correct copy of the Answer.

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7. In support of Plaintiff's claim that this Court has subject matter jurisdiction, I provided my attorney with my current passport. I am a citizen of the Kingdom of Morocco. *See* Light Decl., **Exhibit N** which is a true and correct copy of the Passport of Plaintiff's sole member. I have no connection to the State of Ohio, where Defendant admits is the location of their main offices. *See* Light Decl., **Exhibit N**.

Under penalties of perjury, I declare that I have read the foregoing and that the facts stated in it are true.

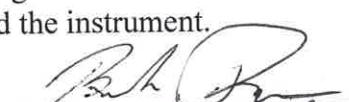
53rd Street, LLC

BY: Yonel Devico
TITLE: Member

STATE OF FLORIDA)
) ss.
COUNTY OF DADE)

On May 2nd, 2019, before me, Brandon Ramos, a Notary Public in and for said County and State, personally appeared Yonel Devico, who is personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

My Commission Expires:


Notary Public

[NOTARY SEAL]

